

**BENTON CITY COUNCIL  
REGULAR SESSION**

**JUNE 11, 2018**

**7:00 PM**

•

**AGENDA MEETING 6:30 PM**



**BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS**

**DAVID MATTINGLY, MAYOR**

**BENTON CITY COUNCIL**  
**June 11, 2018**  
**7:00 PM**  
**AGENDA**

- |             |   |   |
|-------------|---|---|
| <b>I.</b>   | <b>Call to Order</b>  | <b>Mayor Mattingly</b>                        |
| <b>II.</b>  | <b>Invocation</b>   |   |
| <b>III.</b> | <b>Pledge of Allegiance</b>   | <b>Council Member Ponder</b>                  |
| <b>IV.</b>  | <b>Roll Call</b>  | <b>City Clerk</b>                             |
| <b>V.</b>   | <b>Approval of Minutes</b>  | <b>May 21, 2018</b><br><i>Regular Meeting</i> |
| <b>VI.</b>  | <b>A.) RESOLUTION NO. 25 OF 2018</b>  | <b>MAYOR MATTINGLY</b>                        |
|             | <i>A RESOLUTION EXEMPTING WEDNESDAY, JULY 4<sup>TH</sup> FROM ORDINANCE 29 OF 2007; PROVIDING FOR FIREWORKS DISPLAYS BY THE PUBLIC PURSUANT TO ORDINANCE 32 OF 2013 ON THE SAME DATE; AND FOR OTHER PURPOSES</i>                                  |   |
| <b>VII.</b> | <b>COMMITTEE REPORTS &amp; MOTIONS</b>  |   |
|             | <b>1. Finance Committee</b>   | <b>Council Member Ponder</b>                  |
|             | <b>A.) ORDINANCE NO. 21 OF 2018</b>   |   |
|             | <i>AN ORDINANCE AMENDING THE 2018 BUDGET FOR THE STORMWATER FUND AS ADOPTED IN ORDINANCE 62 OF 2017; APPROPRIATING FUNDS FOR THE CEDAR RIDGE DRAINAGE PROJECT; ACCEPTING THE BID OF JCON, INC; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> |   |
|             | <b>B.) ORDINANCE NO. 29 OF 2018</b>   |   |
|             | <i>AN ORDINANCE AMENDING THE 2018 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 62 OF 2017; REALLOCATING FUNDS FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i>  |   |
|             | <b>C.) RESOLUTION NO. 21 OF 2018</b>  |   |
|             | <i>A RESOLUTION RECOGNIZING THE SERVICES OF OFFICER DREW TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE IN RECOGNITION OF THOSE SERVICES</i>  |   |
|             | <b>D.) RESOLUTION NO. 22 OF 2018</b>  |   |
|             | <i>A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH KT&amp;S CLEANING SERVICES FOR PROVIDING JANITORIAL SERVICES TO THE CITY; AND FOR OTHER PURPOSES</i>   |   |
|             | <b>2. Community Services/Animal Control</b>   | <b>Council Member Reed</b>                    |
|             | <b>A.) RESOLUTION NO. 23 OF 2018</b>  |   |
|             | <i>A RESOLUTION APPROPRIATING FUNDS FOR THE PURCHASE OF A TRANSFORMER FOR ECONOMIC DEVELOPMENT PURPOSES; AND FOR OTHER PURPOSES.</i>  |   |

**B.) RESOLUTION NO. 24 OF 2018**

*A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE AN AGREEMENT WITH THE THRASH LAW FIRM, PA TO INTERVENE IN THE CASE OF PINE BLUFF A&P COMMISSION VS. HOTELS.COM; AND FOR OTHER PURPOSES*

- |           |  |   |
|-----------|--|---|
| <b>3.</b> | <b>Streets &amp; Drainage Committee</b>        | <b>Council Member Baptist</b>                           |
| <b>4.</b> | <b>Personnel/Health &amp; Safety Committee</b> | <b>Council Member Donnor</b>                            |
| <b>5.</b> | <b>Parks Committee</b>                         | <b>Council Member Hart</b>                              |
| <b>6.</b> | <b>Public Utilities Commission</b>             | <b>Council Member Herzfeld</b>                          |
| <b>7.</b> | <b>A &amp; P Commission</b>                    | <b>Council Member Donnor<br/>Council Member Baptist</b> |

- VIII. Unfinished Business**
- IX. New Business**
- X. Old Business**
- XI. Announcements**
- XII. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**May 21, 2018**  
**Benton Municipal Complex**

**The Benton City Council was called to order at 7:01 pm.**

**The Mayor gave the invocation.**

**Council Member Donnor led the pledge of allegiance.**

**Roll was called.**

**The following persons were in attendance:**

**Council Member Evelyn Reed  
Council Member Bill Donnor  
Council Member Jerry Ponder  
Council Member Steve Lee  
Brent Houston, City Attorney  
David Mattingly, Mayor**

**Council Member Jocelyn Cash  
Council Member Judd Hart  
Council Member James Herzfeld  
Council Member Jeff Hamm  
Cindy Stracener, City Clerk**

**When roll was called eight (8) council members were present. Council Member Baptist and Council Member Murphy were absent. A quorum was declared.**

**The Mayor requested approval for the April 23, 2018 city council meeting minutes. Council Member Hart made a motion to approve the minutes, seconded by Council Member Reed. The Mayor called for a voice vote on the approval of the minutes. All council members replied in the affirmative. The minutes for the April 23, 2018 council meeting were approved with 8 affirmative votes and 2 absent.**

**A proclamation was read declaring the month of May 2018 as "National Preservation Month and Arkansas Heritage Month in the city of Benton. See attached.**

**Council Member Lee recognized the students from Benton High School who participated in the Sundial Project along with their teacher, Mr. Bevill.**

**Council Member Reed made a motion to adopt Resolution 15 of 2018 – A Resolution Ratifying and Confirming the Reappointment of Brett Chumley as a Commissioner to the Benton Historic District Commission; and For Other Purposes. Seconded by Council Member Cash. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 15 of 2018 was adopted with 8 affirmative and 2 absent votes.**

**Council Member Reed made a motion to adopt Resolution 16 of 2018 – A Resolution Ratifying and Confirming the Reappointment of Karen Hammer as a Commissioner to the Benton Historic District Commission; and For Other Purposes. Seconded by Council Member Cash. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council**

Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 16 of 2018 was adopted with 8 affirmative and 2 absent votes.

The next item on the agenda was committee reports and motions.

Council Member Ponder was recognized for a report from the Finance Committee. He stated that he had nothing to report.

Council Member Reed was recognized for a report from the Community Service/Animal Control Committee. Council Member Reed asked for the first reading of Ordinance 24 of 2018 – An Ordinance Annexing Certain Territory into the Corporate Limits of the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Cash. The ordinance was read by the city clerk. This property is located at 4754 Hwy 67 and has a liquor store on the property and a restaurant is being built. The Mayor asked for any comments. None. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Council Member Reed made a motion to adopt Ordinance 24 of 2018 on its second and third readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 24 of 2018 was adopted with 8 affirmative and 2 absent votes. Council Member Reed made a motion to approve the emergency clause. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

Council Member Reed asked for the first reading of Ordinance 25 of 2018 – An Ordinance Annexing Certain Territory into the Corporate Limits of the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Donnor. This proposed annexation is located off of McGee Road and is being requested by KK Spadra, LLC. The ordinance was read by the city clerk. It was agreed upon to only have the first reading of this ordinance in the agenda meeting.

Council Member Reed asked for the first reading of Ordinance 26 of 2018 – An Ordinance Repealing Ordinance 15 of 2013; Establishing that the City of Benton Planning and Zoning Commission Shall Have Seven Commissioners; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Cash. The ordinance was read by the city clerk. The Mayor asked for any comments. None. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy

absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Council Member Reed made a motion to adopt Ordinance 26 of 2018 on its second and third readings by title only. Seconded by Council Member Cash. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 26 of 2018 was adopted with 8 affirmative and 2 absent votes. Council Member Reed made a motion to approve the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

Council Member Reed asked for the first reading of Ordinance 27 of 2018 – An Ordinance Rezoning Certain land in the City of Benton, Saline County, Arkansas; Declaring an Emergency and for Other Purposes. Seconded by Council Member Cash. The ordinance was read by the city clerk. This rezone is for the Exit 114 properties. The Mayor asked for any comments, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee no, and Council Member Hamm yes. Motion to suspend was approved with 7 affirmative, 1 negative and 2 absent vote. Council Member Reed made a motion to adopt Ordinance 27 of 2018 on its second and third readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee no, and Council Member Hamm yes. Ordinance 27 of 2018 was adopted with 7 affirmative, 1 negative and 2 absent vote. Council Member Reed made a motion to approve the emergency clause. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

The next Community Services Committee meeting will be June 5<sup>th</sup>.

There was not a report from the Streets and Drainage Committee.

Council Member Donnor was recognized for a report from the Personnel/Health & Safety Committee. Council Member Donnor had given the minutes from the April 24, 2018 committee meeting to the clerk prior to the council meeting. See attached.

**Council Member Donnor made a motion to adopt Resolution 17 of 2018 – A Resolution Authorizing the City to Enter into a Contract with the Benton School District for the Placement of The School Resource Officers; and For Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 17 of 2018 was adopted with 8 affirmative and 2 absent votes.**

**Council Member Hart was recognized for a report from the Parks Committee. Council Member Hart asked for the first reading of Ordinance 28 of 2018 – An Ordinance Setting Certain 2018 Programming Rates for the Parks Department; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Herzfeld. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Hart made a motion to suspend the rules for the second and third readings by title only. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend was approved with 8 affirmative votes and 2 absent. Council Member Hart made a motion to adopt Ordinance 28 of 2018 on its second and third readings by title only. Seconded by Council Member Herzfeld. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 28 of 2018 was approved with 8 affirmative votes and 2 absent votes. Council Member Hart made a motion to approve the emergency clause. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

**Council Member Hart made a motion to adopt Resolution 18 of 2018 – A Resolution Authorizing the Mayor and City Clerk to Execute an Agreement with the Benton School District for the Operation of the High School Swim Team at Riverside Park; and For Other Purposes. Seconded by Council Member Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated that there is an automatic renewal language in the contract but the city has the ability to exit out of this agreement each year. That is true in this resolution and in the next resolution. Council Member Lee asked if the council would still vote each year. Mr. Houston stated yes, that is what has been done, we had the same contracts last year. The Mayor stated that by voting we are affirming the continuation of the contract. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 18 of 2018 was adopted with 8 affirmative and 2 absent votes.**

**Council Member Hart made a motion to adopt Resolution 19 of 2018 - A Resolution Authorizing the Mayor and City Clerk to Execute an Agreement with the Benton School District for the Operation of the High School Tennis Team at Tyndall Park; and For Other Purposes. Seconded by Council Member Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 19 of 2018 was adopted with 8 affirmative and 2 absent votes.**

**Council Member Hart made a motion to adopt Resolution 20 of 2018 – A Resolution Accepting the Lowest Acceptable Bid for the Resurfacing of Tennis Courts at Tyndall Park; and For Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist absent, Council Member Murphy absent, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Ponder yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 20 of 2018 was adopted with 8 affirmative and 2 absent votes.**

**Council Member Herzfeld was recognized for a report from the Public Utility Commission. He stated that he did not have a report.**

**Council Member Donnor was recognized for a report from the Advertising and Promotion Commission. He stated that a commission meeting occurred last Thursday but he does not have a copy of the minutes.**

**There was not any unfinished, new or old business.**

**The meeting adjourned at 7:33 pm.**

---

**Cindy Stracener, City Clerk**

---

**David Mattingly, Mayor**



## PROCLAMATION

### NATIONAL HISTORIC PRESERVATION & ARKANSAS HERITAGE MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and


WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*This Place Matters!*" is the theme for National Preservation Month 2018 and "*Off the Beaten Path: Explore and Enjoy Arkansas's Natural Heritage*" is the theme for Arkansas Heritage Month, co-sponsored by the City of Benton, the Arkansas Historic Preservation Program, the Department of Arkansas Heritage and the National Trust for Historic Preservation.

NOW, THEREFORE, I DAVID MATTINGLY, acting under my authority as Mayor of the City of Benton, Arkansas, so hereby proclaim May 2018, as National Preservation Month and Arkansas Heritage Month, and call upon the people of the City of Benton, to join their fellow citizens across the United States in recognizing and participating in this special observance.



  
\_\_\_\_\_  
David Mattingly, Mayor



## PERSONNEL/HEALTH & SAFETY MEETING

6:00 P.M., Tuesday, April 24, 2018

### THOSE IN ATTENDANCE:

Alderman Bill Donnor  
Alderman Jerry Ponder  
Alderdwoman Jocelyn Cash  
Alderman Steve Lee  
Alderman Jeff Hamm  
Kathy Kirk, Human Resources Manager  
Fire Chief Bill Ford  
Police Chief Scotty Hodges  
Chief Finance Officer Mandy Spicer  
Dana Guthrie  
Patricia Ashley  
Terri Murphree  
Mollie Wright  
Phillip Montalvo  
Becky Montalvo  
Jackie Sherrill

Chairman Bill Donnor called the meeting to order and noted that there was a quorum present.

Aldermen Donnor stated Chief Hodges was running late and that he wanted him to be present for the discussion of the assistance program so he was going to move the order of business and move to **Agenda Item #6** on pay for military duty. He recognized Human Resources Manager Kathy Kirk who stated that a question had arisen concerning Employee Handbook page 52 where an employee called to active duty would receive pay for 30 days military leave. She reported that an employee had been called to active duty, not in support of an emergency situation or a specific operation, but for training and his tour of duty is for three months. Previous calls to active duty have been for eleven months or more. She related that the department supervisor had felt that the intent of the pay in the handbook was not for a training situation since all employees receive 15 days military leave per year for training. She referred to Arkansas Code Title 21 Part D (1) about a call to duty by the Governor or President in an emergency situation. Ms. Kirk asked the council members present if they felt that the handbook intent was to pay for the 240 hours of military time if an employee was called to active duty for training and not for support of a specific operation like Iraqi Freedom. Alderman Donnor asked if she was aware of what other cities do. Ms. Kirk replied that she did not know. Alderman Ponder asked if the handbook currently called for pay for active duty, wouldn't it be our obligation to pay this time even if we felt a change in wording might be warranted? Ms. Kirk said that she had asked the City Attorney for his

opinion on that and had not received a reply. Chief Hodges had related to her that he did not feel like the intent was to give supplemental pay if the active duty was specifically for training. Alderman Lee stated that if the Handbook says "called to duty" and he was "called to duty", then it would qualify. Alderman Ponder asked if the attorney had indicated that the employee would have a cause of action if we did not pay the leave. Ms. Kirk said there was no response from the city attorney. Alderman Hamm said it was his feeling that if the employee was called to active duty in the military, regardless of the reason, then he should get the benefit. Alderman Ponder said that he felt, because of the language, we are required to pay in this instance but that he would not be opposed to changing the wording in the handbook. Alderman Lee moved to pay the military leave for active duty as stated in the Handbook, Alderman Hamm seconded. The vote was unanimously in favor.

Alderman Donnor asked Ms. Kirk to relay information on a market pay study. She relayed to those present that the last pay study that was done was in April of 2016 for the positions contained in the Job Evaluation and Salary Administration Program (JESAP) that was first utilized in 2007. The 2016 study gathered information from 12 other municipalities including Arkadelphia, Bryant, Cabot, Harrison, Jacksonville, Paragould, Russellville, Searcy, Sherwood, Siloam Springs, Bella Vista and the Arkansas Workforce Study or entities for the market study. The cost of the last pay study was \$3,000.00 to the Johanson Group. The question to consider was whether the Committee felt like a new study was called for at this time or if it was something that should be a consideration in the budgeting process for 2019. Alderman Donnor related that there would be a new administration in January of 2019. Alderman Hamm asked if we had the money to do a study. Ms. Kirk related that she had not contacted the Johanson Group for a quote on a study but that a new Arkansas Municipal League Salary Survey would be released in June, free to all municipalities, and the Municipal League contracted with the Johansson Group to publish their survey. Councilmember Cash asked how Benton rated in their positions relative to other cities in 2016. Ms. Kirk answered that there was no cause for alarm; Benton rated slightly lower on some positions but slightly higher on others, but overall, with 2% of the salary base and that the increase given on April 2<sup>nd</sup> was a 2.5% increase. Chief Hodges stated that he questioned the last study that was done. He did not believe the Cities used in the study were a good comparison since Benton is the 12<sup>th</sup> highest populated City in the State, while the comparisons started with the 14<sup>th</sup> most populated city and went down to the 36<sup>th</sup> most populated city. Alderman Ponder said he felt we should wait for the Municipal League salary survey which should provide better population comparisons and then go from there.

**Agenda Item #3** Alderman Donnor stated Chief Hodges had a request for adding an additional School Resource Officer. Chief Hodges stated he had met with School Superintendent and Mayor Mattingly and they're agreeable to trying to get another SRO in the schools, making 5 total. The school has agreed and signed an MOU to up their portion of the funding. This will not increase our 2018 budget to increase by one officer so I'd like to ask the Personnel Committee to consider adding one position to our roster. Alderman Ponder asked if this would be effective with the start of the new year. Chief Hodges replied, "August. That is correct." Alderman Ponder asked if it was the same 50/50 cost share with the school. Chief Hodges replied that it was actually 56.64% funded by the school. Alderman Ponder stated, so budget impact is essentially 42% for four months of this year? Chief Hodges said that there was no change in budget. Alderman Ponder asked, "Because of unfilled positions?" Chief Hodges replied, "Correct." Alderman Hamm made a motion to accept proposal of adding one officer. Motion was seconded and passed unanimously. Alderman Ponder asked Chief Hodges if he had the Memorandum of Understanding for him to bring to City Council.

**Agenda Item #4** Alderman Donnor asked Ms. Kirk if she would introduce a representative from an Employee Assistance Company to speak to the benefits such a program would offer City employees. Ms. Kirk offered that an EAP had been discussed in previous years, with no action taken. She provided quotes for services from 3 providers, including NexGen EAP, ESI, and Southwest EAP. Ms. Kirk offered positive testimonials she had received from Human Resource Directors for Pine Bluff, Hot Springs, Little Rock, Sherwood, and Jacksonville about their relationship with and service from Southwest EAP, which was the only EAP located in central Arkansas. She then introduced Terry Murphree with Southwest EAP who offered an overview of their services, touching on short-term counseling for personal or work-related issues including stress, marriage/relationship, substance abuse; training and workshops for the company; critical incident debriefing and assistance; services for employee and everyone in their household. Alderman Donnor related his own experiences in dealing with stress/life incidences. Ms. Kirk gave the cost quoted as \$20.12 per employee per year and the current head count of 240 full time and 50 part-time employees. Cost would range from \$4800 to \$5800 per year depending on whether we included the benefit for part-time employees, billed on an annual or quarterly basis (employer choice). Alderman Donnor stated he would like to see part-time employees have access to the benefit. Alderman Donnor recognized Lt. Curtis Wood of the Benton Police Department who has promoted the need for such a benefit. Lt. Wood stated that we are one of the only cities of our size that does not have an EAP and spoke to the fact that it could be a recruiting tool as well as help in retaining employees at a very effective cost. Alderman Ponder asked about the billing period, if it was annual. Ms. Murphree said most municipalities do a quarterly billing. Alderman Ponder asked about the number of Utilities employees. Ms. Wright said the count of 88. Alderman Donnor said he had reached out to the Utilities to see if they would be interested in offering a benefit as well. Alderman Hamm said he was 150% in favor of providing an EAP but he would like time to review the information provided tonight. Ms. Murphree stated that Southwest provided onboarding for the EAP to program to make employees aware of the benefit and would also meet with supervisors about how they might utilize the program. Alderman Donnor noted that Southwest does not use an answering service, but staffs their switchboard on a 24/7 basis. Alderman Lee noted that \$6,000 per year was a minimal cost and he made a motion to contract with Southwest to provide the EAP for employees. Alderman Hamm seconded. Ms. Kirk did clarify that the NextGen quote was \$1.22 per employee per month or \$14.64 per year, however their home office is in Durham, North Carolina, and she would personally prefer a local provider with references from surrounding cities. Alderman Lee clarified that his motion was to include all general fund employees, part-time and full-time. Alderman Hamm seconded. The motion passed.

**Agenda Item #7** Alderman Donnor recognized Patricia Ashley to speak to her concerns for the shooting of fireworks in the City. Ms. Ashley stated that the use of fireworks was a safety issue with the fireworks for public sale approaching the power of bombs. She shared a picture of a firework recovered from in front of her home that she had taken to the State Police who told her that it could have damaged the paint on a car. She stated "Safety is the law" and said that people wanted to feel safe in their homes and neighborhoods. She stated that people who use fireworks are not following the rules, but trying to intimidate. She said that the sellers come in and leave and then citizens are left to clean up the debris after being "held hostage" and people ignite fireworks in the streets, throwing them into yards. She related the incident of an elderly lady who had lost her husband and said the fireworks were driving her little dog crazy. She said it is dangerous for police when they are called to a neighborhood and don't know if it's fireworks or gunfire they're dealing with. She asked the members present to understand that citizens just want peace and quiet and to be safe. Alderman Donnor asked to additional comments

and recognized Jackie Sherrill. Mr. Sherrill stated that he had lived in Benton since 5<sup>th</sup> grade that he felt it was an individual responsibility and he liked the discretion for citizens to enjoy fireworks on a limited basis (2 times a year). He said he had read a statistic that 230 families visited a hospital for fireworks injuries last year, which is a very small percentage of the population living in the United States. He related that he was a veteran with a lot of pride in his country and enjoyed the opportunity to celebrate and asked the council members to continue the limited use of fireworks in the City for that purpose. Alderman Donnor recognized Fire Chief Bill Ford who stated he did not oppose the current ordinance in 2011 but that he did not agree with the Ordinance. He stated he agrees with Ms. Ashley that the use of fireworks is noisy; it's dangerous, highly dangerous and difficult for police officers to enforce. Chief Ford said he is speaking against the current ordinance that allows the sale and use of fireworks. He stated the approximately \$3,000 per year from permit sales that is used in their fire prevention program is not needed. He stated that in his neighborhood last year, he heard fireworks going off at 12:30 a.m. Chief Ford stated that we are the only larger city that allows fireworks; Little Rock, Hot Springs, North Little Rock and Conway do not allow fireworks; Bryant and Maumelle allow fireworks on a limited basis. He stated, "It's ludicrous". He stated that when the Ordinance was passed, it passed with an emergency clause which says it is need for the public peace, health, and safety. He said, "It doesn't make sense. It's hypocritical to even say that. There's no public peace, health, or safety about it." Alderman Donnor recognized Phillip Montalvo to speak. Mr. Montalvo asked if the Ordinance was to sell fireworks in the City of Benton or let them be used in the City of Benton. Alderman Donnor stated that he felt that there were people who did not want either, so tonight is just an open discussion. Mr. Montalvo said that he had a stand in Bryant and sell about \$50,000 a year and then send that (tax) money right back to Bryant, which would put \$7,000 or \$8,000 back into the coffers which would fund the EAP program discussed tonight, so that's a plus. He also noted that they hire security guards and pay them handsomely, so if you're doing this to stop the sale of fireworks, people will just go somewhere else to buy them. He stated that from an economic standpoint, it didn't make sense to not allow the sale, because they will be bought somewhere else and still brought in. Alderman Hamm stated that there were two professionals in the room that had his faith and confidence. Alderman Donnor said he had requested the Police Department to give information from their call logs (copy attached). Alderman Cash noted that the City holds a really fantastic fireworks display that allows people to celebrate the 4<sup>th</sup> in a safe manner, and being the County seat, that Benton should take a stand. We've got a lot of wood home structures located close together and people are definitely shooting off fireworks before and after the hours, and throwing them in people's yards, on or at their animals. She said we've got the safety aspect as number 1, but then the noise and nuisance, and for her part, she would like to see a ban. Alderman Donnor stated that previously there had been many passionate persons in favor of fireworks, and that it had been limited to three days as a compromise. Ms. Ashley stated that she felt it was not right to compromise safety for a \$500 permit and people are not following the law; they do not respect personal space. Alderman Donnor asked for other comments. Alderman Ponder asked how long before the 4<sup>th</sup> do people have to apply for permits? Mr. Montalvo stated that he had been denied, already this year, in the City of Benton, waiting on this; he had been told the company he deals with had been denied. Alderman Donnor stated that so far there had only been discussion. Mr. Montalvo was asked who had offered the denial; to which he stated, he did not know—it came from the Memphis office. Alderman Donnor stated that no action could be taken and passed in time to apply to this year's July 4<sup>th</sup>. Councilmember Cash asked if action was being tabled or if it was open for a motion. Alderman Donnor replied that it was just a discussion and he wanted everyone to have their opportunity to talk. Ms.

Ashley asked if the aldermen felt like the citizens deserved elected officials who cared about the city and would put safety first. Alderman Donnor said that there was a group of citizens that felt just as strongly that fireworks should be allowed. Ms. Ashley stated she was unwilling to compromise on safety for fireworks. Alderman Ponder asked if it was Alderman Donnor's intent to allow for further discussion, to which the reply was "it is my intent." Alderman Lee stated, "If we were not selling fireworks at all, I guarantee you that there will be fireworks in Benton...We cannot ensure people's safety so don't put that on our shoulders."

Alderman Donnor adjourned the meeting.

**RESOLUTION NO. 25 OF 2018**

**A RESOLUTION EXEMPTING WEDNESDAY, JULY 4<sup>TH</sup> FROM ORDINANCE 29 OF 2007; PROVIDING FOR FIREWORKS DISPLAYS BY THE PUBLIC PURSUANT TO ORDINANCE 32 OF 2013 ON THE SAME DATE; AND FOR OTHER PURPOSES**

WHEREAS, Ordinance 29 of 2007 prohibits excessive noises within the City of Benton, but authorizes the City Council to pass resolutions from time to time authorizing public activities which are exempted from the ordinance; and

WHEREAS, Ordinance 32 of 2013 authorizes the City Council allow fireworks displays within the city; and

WHEREAS, Independence Day will celebrate our national pride and heritage and many individuals within the city desire to have fireworks displays on Wednesday, July 4<sup>th</sup> as part of the holiday celebration; and

WHEREAS, the City Council wishes to designate these activities, which are occurring within the city as a public activity as defined in Ordinance 29 of 2007, Section 4, paragraph 3; and

WHEREAS, the City Council also wishes to authorize the fireworks displays to occur during this time pursuant to Ordinance 32 of 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: The City Council, pursuant to Ordinance 29 of 2007, Section 4 paragraph 3 designates all firework displays on July 4, 2018 as being exempted from the city's noise ordinance. This designation is only from 10:00 am until 10:00 pm.

SECTION 2: The City Council, pursuant to Ordinance 32 of 2013, does hereby authorize fireworks displays by the public on July 4, 2018 from 10:00 am until 10:00 pm.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

**ORDINANCE NO. 21 OF 2018**

**AN ORDINANCE AMENDING THE 2018 BUDGET FOR THE STORMWATER FUND AS ADOPTED IN ORDINANCE 62 OF 2017; APPROPRIATING FUNDS FOR THE CEDAR RIDGE DRAINAGE PROJECT; ACCEPTING THE BID OF JCON, INC; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council in Ordinance 62 of 2017 adopted the 2018 Stormwater Fund Budget; and

WHEREAS, the City Council needs to amend the 2018 Stormwater Fund budget to appropriate funds for the Cedar Ridge Drainage Project; and

WHEREAS, the City advertised for bids for this project and it has been determined that the bid of JCON, Inc. is the lowest acceptable bid for this project which should be accepted by the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2018 City of Benton Budget as adopted in Ordinance 62 of 2017. The revised income and expenditures for the operations of the city are attached hereto as Exhibit "I" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: The bid of JCON, Inc. is hereby accepted as the lowest acceptable bid for this project as reflected in the bid tabulation which is attached hereto as Exhibit "2".

SECTION 3: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds for the Cedar Ridge Drainage Project in order for it to commence. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION





EXHIBIT "1"

## **FY2018 Operating Budget**

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2018. This submittal includes a revision for the Stormwater Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2018 budget amendment.

### **Section 1: Amended Appropriations – Fiscal Year 2018**

#### **Stormwater Fund**

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$114,280	-0-	\$114,280
Personnel	\$ 0	-0-	\$ 0
Operations & Maintenance	\$ 42,000	-0-	\$ 42,000
Capital Items	\$ 200,000	\$150,000	\$ 350,000

### **Section 2: Funding & Disbursements - Fiscal Year 2018**

#### **Stormwater Fund**

##### **Funding**

This budget amendment will use 2018 cash balance for funding.

##### **O&M**

This budget amendment allows for additional expenditures up to \$150,000 for the Cedar Ridge drainage project (850.600.22.00).



4701 Northshore Drive  
North Little Rock, AR 72118

TEL 501.376.3633  
FAX 501.372.8042

www.GarverUSA.com

May 1, 2018

Tony Floyd  
City of Benton  
305 W. Hazel Street  
Benton, AR 72015

Re: City of Benton  
Benton Cedar Ridge Drainage  
Recommendation of Award

Dear Mr. Floyd:

Bids were received for the "Benton Cedar Ridge Drainage" project at the Mayor's Conference Room of the Benton Municipal Complex at 11:00 AM on April 24, 2018. The bids have been checked for accuracy and for compliance with the contract documents. A tabulation of the bids received is enclosed with this letter.

A total of 10 bids were received on the project. JCON, Inc. submitted the low bid for the project in the amount of \$209,780.00. The Engineer's Opinion of Probable Cost was \$292,432.00.

We believe that the bid submitted by JCON, Inc. represents a good value for the City of Benton. We recommend that the construction contract for the "Benton Cedar Ridge Drainage" be awarded to JCON, Inc.

Please call me if you have any questions.

Sincerely,

GARVER, LLC

Todd Mueller, P.E.  
Project Manager

Attachments: Bid Tabulation

CC: Tim Tennant

L:\2016\16017232 - Benton Cedar Ridge Drainage\Bidding\Recommendation of Award\Recommendation of Award.docm



**ORDINANCE NO. 29 OF 2018**

**AN ORDINANCE AMENDING THE 2018 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 62 OF 2017; REALLOCATING FUNDS FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council has previously authorized the purchase of certain ballistic vests for the use by the police department; and

WHEREAS, the City Council needs to amend the 2018 General Fund budget to reallocate funds to pay for this purchase.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2018 City of Benton Budget as adopted in Ordinance 62 of 2017. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: The Mayor is authorized to pay the sums when due as stated in the purchase agreement.

SECTION 3: It is hereby found and determined that there is an immediate need to amend the budget to reallocate funds for the purchase of ballistic vests for the police department. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION





EXHIBIT "1"

## **FY2018 Operating Budget**

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2018. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2018 budget amendment.

### **Section 1: Amended Appropriations – Fiscal Year 2018**

#### General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$17,176,342	-0-	\$17,176,342
Personnel	\$13,475,855	-0-	\$13,475,855
Operations & Maintenance	\$ 2,906,881	\$3,836	\$ 2,910,717
Capital Items	\$ 854,400	-0-	\$ 854,400

### **Section 2: Funding & Disbursements - Fiscal Year 2018**

#### General Fund

##### Funding

This budget amendment authorizes a transfer from the restricted Police Equipment Grant Funds in the amount of \$3,836.00 (130.550.10.00).

##### O&M

This budget amendment allows for ballistic plates and their carriers expenditure in the amount of \$3,836.00 (750.670.13.17) in the Police Department.

**RESOLUTION NO. 21 OF 2018**

**A RESOLUTION RECOGNIZING THE SERVICES OF  
OFFICER DREW BROWN TO THE CITIZENS OF BENTON AND  
AWARDING HIM HIS BADGE IN RECOGNITION OF THOSE  
SERVICES**

WHEREAS, Officer Drew Brown has served the citizens of Benton for approximately eight years as a police officer; and

WHEREAS, after his years of service to the city he is retiring; and

WHEREAS, the City wishes to thank Officer Brown for his dedicated services to our community by presenting him with his badge in recognition of those outstanding services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be presented to Officer Drew Brown in recognition of his services to this community.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

Exhibit "1"

City of Benton Police Badge, Number - 2653

**RESOLUTION NO. 22 OF 2018**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH  
KT&S CLEANING SERVICES FOR PROVIDING JANITORIAL SERVICES TO THE  
CITY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton published a Request for Proposal for supplying janitorial services for the municipal complex which the City Council determines to be a professional service; and

WHEREAS, after a review of the proposals it has been determined that the contract should be awarded to KT&S Cleaning Services; and

WHEREAS, the City wishes to enter into a one (1) year agreement with KT&S Cleaning Services to provide janitorial services to the City of Benton

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a one (1) year contract with KT&S Cleaning Services to provide janitorial services for the City of Benton.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk



RESOLUTION NO. 23 of 2018

A RESOLUTION APPROPRIATING FUNDS FOR THE PURCHASE OF A TRANSFORMER FOR ECONOMIC DEVELOPMENT PURPOSES; AND FOR OTHER PURPOSES.

WHEREAS, Ellis Manufacturing has announced plans to locate a manufacturing facility in Benton and is ready to proceed with this project; and

WHEREAS, the City Council, as promised in Resolution 20 of 2008 as an economic incentive for businesses to locate in Benton, desires to purchase and install a city utility department owned transformer in order to provide sufficient electricity to the facility; and

WHEREAS, Ellis Manufacturing qualifies for the incentive funds under the terms of the Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1. The Mayor is hereby authorized to pay to the Benton Utility Department sufficient funds to pay for the purchase and installation of a city owned transformer which will be located at the Ellis Manufacturing facility in Benton. Such funds are hereby deemed appropriated and approved for this purpose.

PASSED and APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
**David J. Mattingly**  
**Mayor**

Attest:

\_\_\_\_\_  
**Cindy Stracener**  
**City Clerk**

RESOLUTION NO. 24 OF 2018

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO  
EXECUTE AN AGREEMENT WITH THE THRASH LAW FIRM, PA  
TO INTERVENE IN THE CASE OF PINE BLUFF A&P COMMISSION  
VS. HOTELS.COM; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that it needs to enter into a contract with the Thrash Law Firm, PA in order to intervene in the pending class action lawsuit for the collection of city and advertising and promotion commission sales taxes from hotel booking companies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The City Attorney is hereby authorized to execute, on behalf of the City of Benton, the agreement with the Thrash Law Firm, P.A. which is attached hereto as Exhibit "1" for intervening in the class action lawsuit of Pine Bluff A&P Commission v. Hotels.com, et al for the collection of city sales taxes and to execute such other documents as may be necessary or convenient to accomplish the purpose of this resolution.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk